

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-6902

JAMES S. STRICKLAND,

Petitioner - Appellant,

v.

WARDEN, LIEBER CORRECTIONAL INSTITUTION,

Respondent - Appellee.

Appeal from the United States District Court for the District of South Carolina, at Florence. G. Ross Anderson, Jr., Senior District Judge. (4:07-cv-04103-GRA)

Submitted: October 15, 2009

Decided: October 21, 2009

Before SHEDD, DUNCAN, and AGEE, Circuit Judges.

Dismissed by unpublished per curiam opinion.

James S. Strickland, Appellant Pro Se. Melody Jane Brown, Assistant Attorney General, Columbia, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

James S. Strickland seeks to appeal the district court's order accepting the recommendation of the magistrate judge and denying relief on his 28 U.S.C. § 2254 (2006) petition. The order is not appealable unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1) (2006). A certificate of appealability will not issue absent "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2) (2006). A prisoner satisfies this standard by demonstrating that reasonable jurists would find that any assessment of the constitutional claims by the district court is debatable or wrong and that any dispositive procedural ruling by the district court is likewise debatable. Miller-El v. Cockrell, 537 U.S. 322, 336-38 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000); Rose v. Lee, 252 F.3d 676, 683-84 (4th Cir. 2001). We have independently reviewed the record and conclude that Strickland has not made the requisite showing. Accordingly, we deny a certificate of appealability and dismiss the appeal.* We also deny Strickland's pending motions, including his motions for

* To the extent Strickland seeks to raise issues not previously asserted in the district court, we decline to consider such issues. Muth v. United States, 1 F.3d 246, 250 (4th Cir. 1993).

appointment of counsel, for a preliminary hearing, and for general relief. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED